CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Luis Leonardo Godinez-Lopez

Citizen of Mexico

USM#: 76057-208 DOB: 1961

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 08-15823-001M-SD

Juan Rocha (AFPD)
Attorney for Defendant

ICE#: A24 286 590

THE DEFENDANT ENTERED A PLEA OF guilty on 5/28/2008 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIXTY-FIVE (65) DAYS on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Wednesday, May 28, 2008**

______________________________________ Date 5/28/2008 ______________

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:______________________________________

Defendant delivered on __________ to ______________________ at _________________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

______________________________________ By:______________________________________

United States Marshal Deputy Marshal

08-15823-001M-SD -

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 5/28/2008 CASE NUMBER: 08-15823-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Luis Leonardo Godinez-Lopez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ____

INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 5/27/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ____ ☐ Complaint filed ____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO
☐ Defendant states true name to be ____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ____
☒ To be dismissed upon entry of the judgment, Ct(s) ONE
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 65 days ☐ Probation/Supervised Release for ____
☒ Special Assessment $ REMITTED ☐ Fine $____ ☐ Restitution $____

Other: ____

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Luis Leonardo GODINEZ-Lopez
Citizen of Mexico
YOB: 1961
024286590
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15823M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about May 27, 2008, within the Southern District of California, Defendant Luis Leonardo GODINEZ-Lopez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on December 20, 1982 (Felony).

COUNT II

That on or about May 27, 2008, within the Southern District of California, Defendant Luis Leonardo GODINEZ-Lopez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Cesar Duarte
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

May 28, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Luis Leonardo GODINEZ-Lopez

Dependents: None

IMMIGRATION HISTORY: Records checks revealed that the Defendant was previously convicted of illegal entry on December 20, 1982 in El Centro, California and sentenced to thirty (30) days jail.

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
12/20/82	El Centro, CA	Illegal Entry	30 Days Jail
03/10/83	El Centro, CA	Burglary	None Found
06/14/83	El Centro, CA	Burglary	None Found
10/22/84	El Centro, CA	Receive Known Stolen Prop	180 Days Jail; 3 Years Prob
01/08/94	Madera, CA	Petty Theft	Probation
09/28/01	Las Vegas, NV	Burglary	Guilty at Trial
07/27/02	Richmond, CA	Robbery	Lack of Suff. Evidence
11/02/02	Santa Rosa, CA	Petty Theft	None Found
08/23/03	Seattle, WA	Malicious Mischief	Guilty
05/04/05	Petaluma, CA	Petty Theft w/ Priors	30 Days Jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on May 27, 2008.

Charges: 8 USC§1325 (Felony)
8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

May 28, 2008

Date

Signature of Judicial Officer